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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOYCE E. BRAY,)
)
Defendants.)

Case No. CR 07-0280 SI

**DECLARATION OF TAMARA WEBER
IN SUPPORT OF UNITED STATES'
MOTION FOR SUMMONS**

I, Tamara Weber, hereby declare as follows:

1. I am a Special Assistant United States Attorney in the United States Attorney's Office assigned to the prosecution of this case. I have received the following information from officers employed by Office of Personnel Management (OPM) and from reports and other documents provided to me by that agency.

2. In December of 2003, OPM sent out the 2004 Federal Employees Health Benefit mailing to its recipients. The mailing was returned to OPM with the message "She died years ago" inscribed on the envelope. The Retirement Inspection Branch obtained a death certificate for Helen Clayton from the State of California Department of Health Services, which confirmed

1 Clayton died on October 18, 1994 in California. The informant on the death certificate, Joyce
2 Bray (daughter of Helen Clayton), residence 1606 Cherrywood Drive, Modesto, CA 95350 had
3 the same address that OPM had on record for Helen Clayton.

4 3. Helen Clayton's annuity payments were directly deposited into checking account number
5 0250728391, routing number 121000248, at Wells Fargo Bank since August 18, 1986. The bank
6 records showed a monthly electronic funds transfer (EFT) deposit by the United States Treasury
7 into this account for the benefit entitled to Helen Clayton.

8 4. On November 1, 2006 Joyce Bray was interviewed at her residence in Fortuna, California
9 by Special Agents Pandis and Ruzyllo of OPM. During the voluntary interview, Bray stated she
10 is the daughter of Helen Clayton. At the time of Helen Clayton's death, Bray was taking care of
11 her mother's financial affairs. Bray obtained access to Clayton's account but never became a co-
12 signer, and confirmed she had sole access to Helen Clayton's Wells Fargo Bank account.

13 5. Bray also stated that OPM continued to deposit funds by EFT into her mother's Wells
14 Fargo Bank account soon after the death of Helen Clayton. Shortly after the EFT was deposited,
15 Bray would write a check from Helen Clayton's account made to "Cash" and then deposit that
16 check into her own Bank of America account using the Automated Teller Machine (ATM). Bray
17 also further stated that she forged the signature of Helen Clayton on every check.

18 6. Based on the above information, there is probable cause to believe Joyce E. Bray
19 unlawfully embezzled, stole, purloined, and knowingly converted to her use or that of another,
20 any record, voucher, money or thing of value of the United States or of any department or agency
21 thereof, in violation of 18 U.S.C. § 641, by receiving and depositing funds from the Civil Service
22 Retirement System on behalf of her deceased mother.

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1 7. I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge and belief. Executed May 17, 2007, at San Francisco, California.

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4 DATED: May 17, 2007

Respectfully submitted,

5 SCOTT N. SCHOOLS
6 United States Attorney

7 /s/ Tamara Weber
8 TAMARA WEBER
9 Special Assistant United States Attorney
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